UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS (BOSTON)

SHARON BOBBITT, Individually and on Behalf of all Others Similarly Situated,	CASE NO. 1:04-cv-12263-(PBS)
Plaintiff,))
vs. ANDREW J. FILIPOWSKI, et al. Defendants.	SECOND UNOPPOSED MOTION TO EXTEND TIME FOR LEAD PLAINTIFFS TO FILE RESPONSE TO DEFENDANTS MOTION TO DISMISS THE SECOND CONSOLIDATED COMPLAINT

Lead Plaintiffs James Tito ("Tito") and Frank Waddell ("Waddell") by their undersigned counsel, hereby move this Court to: (i) extend the time for them to file their response to Defendants' motion to dismiss the Second Consolidated Complaint until August 12, 2005; (ii) extend the time for Defendants to reply to such opposition until September 9, 2005; and (iii) adjourn the oral argument on Defendants' motion to dismiss the Second Consolidated Complaint until a later determined date. As reasons therefor, Lead Plaintiffs state:

On May 5, 2005, Plaintiffs filed an Unopposed Motion to Extend Time for Lead 1. Plaintiffs to File Opposition to Defendants' Motion to Dismiss the Second Consolidated Complaint in which they advised the Court that the parties had reached an agreement to mediate the claims in the above-captioned action and requested an extension of time so that this mediation could take place.

- 2. By electronic Order dated May 13, 2005, the Court granted the requested Motion for Extension of Time to File and Ordered that any memorandum in opposition to Defendants' motion to dismiss be filed by July 8, 2005, that Defendants reply memorandum be filed by July 29, 2005 and the Hearing on the Motion to Dismiss is rescheduled to July 19, 2005, at 3:00 PM.
- 3. On June 29, 2005, the parties conducted a full day mediation with former United States District Judge Layn R. Phillips in an attempt to mediate the claims in this action. While the mediation was productive and great progress was made, the parties recognized that the mediation could not be completed in one day's time and a subsequent mediation session would be required. The parties are working to schedule a later date for such mediation and believe that a resolution of these claims can be made reasonably soon. For this reason, Lead Plaintiffs respectfully submit that it would once again be in all parties' interests to adjourn the present schedule so that the parties can devote their time, energy and resources to the complex negotiations that resolution of this matter will require.

Accordingly, in an effort to minimize any unnecessary costs in this action, Lead Plaintiffs hereby request an extension of the previously-agreed upon briefing schedule.

4. Lead Plaintiffs' counsel has conferred with Defendants' counsel who inform Lead Plaintiffs' counsel that they do not intend to oppose this motion.

WHEREFORE, Lead Plaintiffs Tito and Waddell request that this Court enter an Order to extend the briefing schedule, as described herein, and to adjourn the oral argument scheduled for July 19, 2005.

LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that Lead Plaintiffs' counsel conferred with Defendants' counsel and have attempted in a good faith to resolve or narrow the issue raised by this motion. Defendants do not oppose this motion.

DATED: July 7, 2005

Respectfully submitted,

GILMAN AND PASTOR, LLP

By: /s/ David Pastor

David Pastor (BBO # 391000) 60 State Street 37th Floor Boston, MA 02109 Telephone: 617/742-9700 617/742-9701(fax)

Local Counsel for Plaintiffs and the Class

LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP Samuel H. Rudman David A. Rosenfeld 200 Broadhollow Road, Suite 406 Melville, NY 11747 Telephone: 631/367-7100 631/367-1173 (fax)

STULL STULL & BRODY Howard T. Longman 6 East 45th Street New York, NY 10017 Telephone: 212/687-7230 212/490-2022 (fax)

Lead Counsel for Plaintiffs and the Class